

BEFORE THE DEPARTMENT OF ADMINISTRATION  
OF THE STATE OF MONTANA

In the matter of the proposed	)	AMENDED NOTICE OF PUBLIC
amendment of ARM 2.59.1501 pertaining	)	HEARING ON PROPOSED
to definitions and ARM 2.59.1502	)	AMENDMENT AND ADOPTION
pertaining to application procedure	)	
required to engage in deposit lending,	)	
and the proposed adoption of NEW	)	
RULE I pertaining to reports, NEW	)	
RULE II pertaining to schedule of charges,	)	
NEW RULE III pertaining to employees'	)	
character and fitness, NEW RULE IV	)	
pertaining to electronic deductions, and	)	
NEW RULE V pertaining to income	)	
verification	)	

TO: All Concerned Persons

1. On February 23, 2006 the Division of Banking and Financial Institutions published MAR Notice No. 2-2-369 at page 375 of the 2006 Montana Administrative Register, issue number 4 regarding the proposed amendment and adoption of the above-stated rules. The public hearing will remain scheduled on March 22, 2006, at 10:00 a.m. in Room 342 of the Park Avenue Building, 301 S. Park, Helena, Montana.

2. This amended notice is being filed to provide more information in the rationale regarding the necessity for the proposed adoption of New Rule III and to correct an error made in the implementation section of New Rule V.

3. The reasonable necessity regarding New Rule III is amended as follows: New Rule III is needed to clarify the procedure for licensees to comply with the employees' character and fitness standards enacted during the 2005 Regular Legislative Session. In particular, New Rule III will enable the Division of Banking and Financial Institutions to verify that the deferred deposit loan licensees are complying with 31-1-705(3)(b), MCA. That section of the Montana Deferred Deposit Loan Act states that the Department may not issue or renew a license if the criminal history of the employees of the applicant demonstrates any convictions involving fraudulent or dishonest financial dealings or if the Department's findings show adverse civil judgments involving fraudulent or dishonest financial dealings.

4. The correction to Rule V reads as follows, stricken matter interlined, new matter underlined:

NEW RULE V INCOME VERIFICATION (1) and (2) remain as proposed.

AUTH: 31-1-702, MCA

IMP: ~~31-1-722~~, 31-1-723, MCA

5. The Department of Administration, Division of Banking and Financial Institutions, will make reasonable accommodations for persons with disabilities who need an alternative accessible format of this notice. If you require an accommodation, contact the Division of Banking and Financial Institutions no later than 5:00 p.m. on March 17, 2006, to advise us of the nature of the accommodation that you need. Please contact Christopher Romano, Division of Banking and Financial Institutions, P.O. Box 200546, Helena, Montana 59620-0546; telephone (406) 841-2928; TDD (406) 444-1421; facsimile (406) 841-2930; e-mail to [cromano@mt.gov](mailto:cromano@mt.gov).

6. Concerned persons may present their data, views or arguments, either orally or in writing, at the hearing. Written data, views or arguments may also be submitted to Mark Prichard, Legal Counsel, Division of Banking and Financial Institutions, P.O. Box 200546, Helena, Montana 59620-0546; faxed to the office at (406) 841-2930; e-mailed to [mprichard@mt.gov](mailto:mprichard@mt.gov), and must be received no later than March 27, 2006.

7. Mark Prichard, Legal Counsel, Division of Banking and Financial Institutions, has been designated to preside over and conduct the hearing.

8. An electronic copy of this Amended Notice of Proposed Amendment and Adoption is available through the Department's site on the World Wide Web at <http://www.banking.mt.gov>, under "Administrative Rule Notices." The Department strives to make the electronic copy of this Notice of Proposed Amendment and Adoption conform to the official version of the Notice as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the Department strives to keep its website accessible at all times, concerned persons should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems, and that a person's technical difficulties in accessing or posting to the e-mail address do not excuse late submission of comments.

9. The Division of Banking and Financial Institutions maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this division. Persons who wish to have their name added to the mailing list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding division rulemaking actions. Such written requests may be mailed or delivered to Christopher Romano, Division of Banking and Financial Institutions, 301 S. Park, Ste. 316, P.O. Box 200546, Helena, Montana 59620-0546; faxed to the office at (406) 841-2930; e-mailed to [cromano@mt.gov](mailto:cromano@mt.gov), or may be made by completing a request form at any rules hearing held by the Division of Banking and Financial Institutions.

10. The bill sponsor notice requirements of 2-4-302, MCA, apply and have been fulfilled.

BY: /s/ Janet R. Kelly  
Janet R. Kelly, Director  
Department of Administration

BY: /s/ Ali Bovingdon  
Ali Bovingdon, Rule Reviewer  
Department of Administration

Certified to the Secretary of State February 27, 2006.